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Attorney for Defendant
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff.

vs.
AUSTREBERTO SANTAMARIA-
VALENCIA

Defendant.

Case No.: 2:21-CR-0079-TLN

STIPULATION AND ORDER TO EXCLUDE TIME

Date: September 23, 2021
Time: 9:30 a.m.
Hon. Troy L. Nunley

STIPULATION

1. By previous order, this matter was set for status on September 23, 2021.
 2. By this stipulation, defendant now moves to continue the status conference until December 2, 2021, at 9:30 a.m., and to exclude time between September 23, 2021, and December 2, 2021, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

 - a.) The government has produced the discovery associated with this case

1 including, among other things, investigative reports, photographs, and video recordings.

2 b.) Counsel for defendant desires additional time to consult with his client, to
3 review the current charges, to conduct an investigation and research related to the charges,
4 to review discovery for this matter, to discuss potential resolutions with his client, and to
5 prepare pretrial motions.

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7 c.) Defense counsel believes that failure to grant the above-requested
8 continuance would deny counsel the reasonable time necessary for effective preparation,
9 taking into account the exercise of due diligence.

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11 d.) The government does not object to the continuance.

12 e.) Based on the above-stated findings, the ends of justice served by continuing
13 the case as requested outweigh the interest of the public and the defendant in a trial
14 within the original date prescribed by the Speedy Trial Act.

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16 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §
17 3161, et seq., within which trial must commence, the time period of September 23, 2021
18 to December 2, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §
19 3161(h)(7)(A), B(iv) [Local Rule T4] because it results from a continuance granted by
20 the Court at defendant's request on the basis of the Court's findings that the ends of
21 justice served by taking such action outweigh the best interest of the public and the
22 defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Date: September 20, 2021

/s/ Matthew C. Smith
MATTHEW C. SMITH
Attorney for Defendant
Austreberto Santamaria-Valencia

Date: September 20, 2021

/s/ James R. Conolly
James R. Conolly
Assistant United States Attorney

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 20th day of September, 2021.


Troy L. Nunley
United States District Judge